

## COMMONWEALTH OF MASSACHUSETTS

## UNITED STATES DISTRICT COURT

\* FORWARD TO \*  
 \* JUDGES CHAMBERS \*

## DISTRICT OF MASSACHUSETTS

UNITED STATES DISTRICT COURT  
 DISTRICT OF MASSACHUSETTS

CIVIL ACTION No. 04-12724-JLT

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CONRAD V. MURPHY

PLAINTIFF,

VS.

UNITED STATES, et al.,

DEFENDANTS.

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:  
 :  
 : PLAINTIFF'S MEMORANDUM AND  
 : AFFIDAVIT IN SUPPORT OF APPLICATION  
 : TO PROCEED IN FORMA PAUPERIS,  
 : SUPPORTING DOCUMENTATION AND ORDER  
 : WITH EXHIBITS IN SUPPORT  
 :  
 :  
 :

MEMORADUM

STATEMENT OF THE CASE

Plaintiff has brought his Civil Rights Action under 42 U.S.C. § 1983 against individual Department of Correction Prison Officials, asserting Claims for Retalitory Crule and Unusual Punishment, Malicious Destruction of Personal Property and Unlawful Disciplinary Segregation, also, seeks a permanent restraining order and a preliminary injunction to ensure his proper care, custody and safty.

ARGUMENT

POINT I

THE PLAINTIFF STILL CONTINUES  
 TO SUFFER FROM FURTHER IRREPARABLE HARM

The plaintiff is currently housed in Block 6 Cell # 11 (Population) after being released from unlawful disciplinary confinement in MCI-CJ segregation on October 22, 2004.

Due to "unforeseen" circumstances while being unlawfully held in disciplinary confinement in MCI-CJ segregation, plaintiff has been deliberately delayed in bringing this Civil Rights Action since March 22, 2004, up until November 3, 2004 by the defendants'.

Pursuant to Plaintiff's Affidavit In Support of his Motion For Mandatory Permanent Restraining Order And Preliminary Injunction submitted December 10, 2004, paragraph # 11 and exhibits attached thereto. The plaintiff avers under oath that one large yellow envelope was made out of three (3) yellow envelopes to create one envelope to hold all of plaintiff's papers to his Civil Rights Action was taken from his cell on October 7, 2004, during a major shakedown of Block 7, to which plaintiff did file an administrative complaint/grievance on the issue, and the envelope was never returned to the plaintiff.

Defendants' have stated and documented that plaintiff's claim is without evidence. In fact, by defendants' misconduct, they have gained an unfair advantage upon the plaintiff, and by this "particular-misconduct" has again "retaliated" "threatened" "coerced" and "unlawfully punished" plaintiff once again by writing false D-report on him and lying to conceal their "misconduct".

Pursuant to # 2 of plaintiff's exhibit package filed December 10, 2004, where the plaintiff states under oath that D-Report # 34531 was a false written report, and directs the attention to # 2 Offence; "violating any Dept. Rule or Regulation, that was dismissed at the order of defendant David Nolan, and from defendant Keven O'Hearn who was then ordered by defendant Nolan to just find the plaintiff "GUILTY" to just # 15 offence; Poss/Manuf/Intro of a Weapon, the more serious of the **two**.

Pursuant to exhibit # 1 A attached hereto, where the same defendant

Keven O'Hearn who is employed here at MCI Cedar Junction as the Disciplinary Official and Disciplinary Hearing Official, wrote a false D-Report on the plaintiff, and only charged the plaintiff with # 2 offense; "Violating any Dept. Rule or Regulation" the same offense that defendant O'Hearn was ordered by defendant Nolan to DISMISS in regards to D-Report # 34531.

Defendants' unfair advantage upon the plaintiff when given identical analysis under the circumstances at issue now corroborates the plaintiff's claims of "RETALITORY CRULE AND UNUSUAL PUNISHMENT" as well as an act that is in direct violation of plaintiff's Civil Right, privileges and immunities, and of the clearly established right, in being free from such **PUNISHMENT**.

**WHEREFORE**, the plaintiff, Conrad V. Murphy, requests that this Honorable Court **grant** his Application To Proceed In Forma Pauperis.

Sent By Certified U.S. Mail  
# 7004 1160 0001 4840 6828

1 / 18 / 2005

Respectfully Submitted,

*Conrad V. Murphy*  
CONRAD V. MURPHY, W-47737  
PRO SE LITIGANT  
MCI CEDAR JUNCTION  
P.O. BOX 100  
SO. WALPOLE, MA 02071

**AFFIDAVIT OF CONRAD V. MURPHY**

**I, Conrad V. Murphy, affirms under penalty of perjury:**

1. I am the plaintiff in this Civil Rights Action Case. I make this affidavit in support of my Application To Proceed In Forma Pauperis.

2. On December 10, 2004 plaintiff submitted for filing his self-prepared Civil Rights Complaint.

3. Complaint named various prison officials as defendants, inwhich, the plaintiff states for the record of only to the facts and events stated herein, the defendants' here are:

- \* Defendant Keven M. O'Hearn, who is employed at MCI-CJ as Both the Disciplinary Hearing Officer and Disciplinary Officer.
- \* Defendant Ann Marie Aucoin, who is employed at MCI-CJ as both the Institutional Grievance Coordinator (IGC) and Inner Perimeter Security Official.
- \* Defendant David Nolan, who is employed at MCI-CJ as the Superintendant.
- \* Defendant Kathleen M. Dennehy, who is employed by the Department of Corrections as the Commissioner.

4. On December 2, 2004 defendant Keven M. O'Hearn did write a false D-Report on the plaintiff alleging plaintiff was in violation of an institutional Rule.

5. Plaintiff was served with D-Report # 47441 on December 6, 2004.

6. Plaintiff filed an Administrative Complaint/Grievance on December 5, 2004 stating the facts of what really happened on 12/2/2004.

7. Grievance # 7297 was filed by defendant Aucion who did not review or independently investigate my claims and served the same on me, inturn, to which she passed the case onto "Internal Affairs".

8. On December 17, 2004, plaintiff moved and filed his disciplinary appeal in regards to D-Report # 47441 to defendant David Nolan, and to this date, defendant Nolan has not responded to plaintiff's appeal.

9. On December 28, 2004, plaintiff moved to appeal Administrative Complaint/Grievance # 7297, for reasons that he did not receive no notice from the Superintendent's Special Investigator, or NOTICE of any response as to his grievance # 7297.

10. On January 5, 2005, plaintiff was called to the MCI-CJ Captain's Office by Shiff Commander Captain John W. Broadbeck, who was the same prison official who introduced false information by authorizing the false D-Report # 47441 on 12/2/2004, and was also accompanied by another prison official in the office, Sgt. Robert Bailer.

11. While in the Capt's Office, Capt. Brodbeck stated to the plaintiff "that he was assinged to look into plaintiff's grievance # 7297 and thats why plaintiff was called to his office".

12. Plaintiff stated to official Brodbeck "If we were to talk about grievance # 7297, I would need a copy of any document which states that he was assigned to look into grievance # 7297".

13. Official Broadbeck then stated to the plaintiff " you stated allegations against an officer here at Cedar Junction, so I'm going to let you go back to your cell and come back here at 1:30pm. with proof to support your claims that this official Keven O'Hearn filed a false report on you, and if you don't have any evidence to support

your claims, I will take immediate disciplinary action against you".

14. On January 6, 2005, plaintiff was called back down to the Capt's Office by Capt. John W. Broadbeck and this official then stated to the plaintiff "do you have your proof?".

15. Plaintiff then replied by stating to official Broadbeck, "I see that you have there a copy of the grievance with a paper attached to it, and would that be the paper to which you refer that you was assigned to this investigation?"

16. Official Broadbeck answered "yes" he was assigned to look into the grievance # 7297 and that was the paper attached to the grievance.

17. Plaintiff then stated to official Broadbeck " I would need a copy of that paper because I was not given no notice nor has anyone investigated my claims".

18. Official Broadbeck then stated to the plaintiff " where is your proof?"

19. Official Broadbeck then became very "BELLIGERENT" "COERCIVE" and "THREATENING", then stating to the plaintiff "if I find that there is no evidence supporting your claims, I will see to it personally that you are disciplined to the fullest extent of MCI Cedar Junction!!!" (Emphasis Added).

20. Official Broadbeck stated this to the plaintiff in using the plaintiff's disciplinary appeal to defendant Nolan against him.

21. In accordance with State Law, the plaintiff is exhausting his right to the grievance procedure thus, this official Broadbeck has now violated plaintiff's due process rights by OBSTRUCTING the investigation

(7)

of official Keven O'Hearn, in accordance with M.G.L.A. c. 127 § 38E (3).

22. Official Broabeck has knowingly introduced false and misleading statements to me by stating that " he was assigned to resolve/look into grievance # 7297" to which the plaintiff has not received any NOTICE of official Broadbeck being assigned to anything.

23. Official Broadbeck is not only the same official who authorized the false D-Report # 47441, the false D-Report # 34531 which is at the heart of the controversy of plaintiff's Civil Action 42 U.S.C. § 1983.

I, Conrad V. Murphy, swear and affirm under penalty of perjury under United States Laws that the facts and statements as they appear in this affidavit are true and correct of my own knowledge.

Signed under penalty of perjury under United States Laws on this 18, day of JANUARY, 2005 (28 U.S.C. § 1746 and 18 U.S.C. § 1621)

x Conrad V. Murphy

Sent By Certified U.S. Mail  
# 7004 1160 0001 4840 6828

1 / 18 / 2005

x Conrad V. Murphy

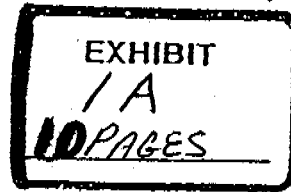
CONRAD V. MURPHY, W-47737

PRO SE LITIGANT

MCI CEDAR JUNCTION

P.O. BOX 100

SOUTH WALPOLE, MA 02071





## DEPARTMENT OF CORRECTION

## DISCIPLINARY REPORT

Inmate MURPHY, CONRAD Commit No W47737 Housing Unit BLOCK 6  
 Date 02-DEC-2004 D- Report No. 47441 Institution MCI CEDAR JUNCTION

## OFFENSE(S) &amp; CODE NO.:

02-VIOLATING ANY DEPARTMENT RULE OR REGULATION

Major ☒ [X]Minor ☐ [ ]

## Description of Offense(s)

On 12/1/04 at approx. 7:35am I Officer O'Hearn was assigned by Lt. Perry the exit/entrance door of the inmate dinner hall, to pat search every inmate exiting and entering the dinner hall. This reporting officer stopped inmate Conrad Murphy (W47737) who was exiting the dinner hall and performed a pat search. At this time several sugar packages were discovered in this inmate's shirt pocket. The inmate was told to dispose the sugar packages in the trash receptacle, to which he complied. I then informed inmate Murphy he would be receiving a disciplinary report for his action, he replied "ok" then left the area.

Has Inmate been placed on Awaiting Action Status

Yes ☒ [X]No ☐ [ ]

Referred to DA

☐ [ ] Yes☒ [X] No

Referred to DDU

☐ [ ] Yes☒ [X] No

Reporting Staff

Kevin Ohearn MDate 02-DEC-2004Time 08:42

Days off

Sun Sat

Shift

7x3

Shift Commander

John Brodbeck WDate 02-DEC-2004Time 12:03

Disciplinary Officer

Ernest Therien JDate 03-DEC-2004Time 07:00

Results

GUILTY

Code Description

Sanctions

Start Date

End Date

# of Units

SS

02-VIOLATING ANY DEPARTMENT Loss Canteen

20041213

14

RULE OR REGULATION

Loss Telephone

20041213

14

Reviewing Authority

Date

Time

EXHIBIT

# 1

MASSACHUSETTS DEPARTMENT OF CORRECTION

DISCIPLINARY HEARING

INMATE: MURPHY, CONRAD # : W47737 Unit/Cell/Bed: BLOCK 6/11/A  
REPORT #: 47441 DATE OF REPORT: 12/02/04 Type: Major  
REFERRED to DA: No OFFENSE: 2  
DATE OF HEARING: 12/13/04 HEARING OFFICER: Catalano, Anthony M  
HEARING HELD AT: East Wing Treatmnt & Disc Area

1. The inmate was given at least 24 hours notice of the hearing (if no attach 24 waiver) YES ☒ NO
2. The inmate is present before the hearing officer (if not, attach refusal to appear form) YES ☒ NO
3. The inmate has been advised of his right to remain silent, since the offense charged has, or may be referred to the District Attorney. The inmate has been further advised that his silence may be used to draw an adverse inference against him, but his silence alone may not be used to support a guilty finding YES NO ☒
4. The inmate requested representation  
The inmate is represented by an attorney/law student YES NO ☒  
Name of legal representative:
5. The inmate requested the presence of the reporting staff  
The reporting staff person is present YES NO ☒  
If the inmates request was denied, indicate the reason:  
Not requested
6. Inmate challenges impartiality of the Hearing Officer. YES NO ☒  
If yes, state reasons why:  
N/A
7. Witness: if None requested, check here  
A. REQUESTED BY INMATE: (If any witness request is denied, a written explanation of the reasons must be included as part of the record)  
B. REQUESTED BY HEARING OFFICER:  
\*\*\*\*\*
8. Presentation of evidence:  
A. Inmate Statement  
PLEA: Not Guilty  
Statement in defense(summary):  
Inmate Murphy states that the actual report written is not what happen. He did not have any sugar packets or contraband. Inmate Murphy also reads from a grievence that he filed in which he alledges that the report written is a direct result of him filing legal action against Ofc.O'Hearn. Inmate Murphy also states that during this pat search Ofc.O'Hearn whispered racial a disparaging comments at him.  
B.Reporting Staff Person's Statement:  
  
C. Other Statements: (If witness has been denied, indicate reasons for denial in this space)

EXHIBIT

# 2

DISCIPLINARY HEARING

INMATE: MURPHY, CONRAD

#: W47737 Unit/Cell/Bed: BLOCK 6/11/A

\*\*\*\*\*

D. Documentary Evidence:

In addition to the Disciplinary Report, The Hearing Officer accepted into evidence, and considered the following documents, physical evidence, photographs/video tapes:

N/A

Evidence Requested by inmate

None requested

Statement Of Evidence Relied Upon To Support Findings:

Statement of evidence relied upon the r/o's written report as it represents a fair and equitable accounting of the events that took place. The r/o states in his report that every inmate was to be oat searched exiting the chowhall. As Inmate Murphy approached, a pat searched was conducted in which the inmate was found to be in possession of several sugar packets(2). It should be noted that inmates are not allowed to remove any food items from the dining hall without approval.

Sanction Rationale: Sanction setforht to inform the inmate that his disregard fro institutional rules willnot be overlooked.

The inmate has been advised of the Hearing Officer's decision & a copy of document has been delivered to the inmate. Yes

Hearing Officer Catalano, Anthony M

Date 12/13/04 Time

The inmate has been advised of his/her right to appeal this desicion within 5 days of his/her receipt; to the Superintendent: Yes

Staff Signature

Date 12/30/04 Time

EXHIBIT  
# 3

TO: DAVID NOLAN

SUPERINTENDANT

FROM: CONRAD V. MURPHY, W-47737, BLK. 6 # 11

DATE: 12/17/2004

RE: DISCIPLINARY APPEAL # 47441

I, hereby demand that disciplinary report # 47441 be reversed and said report expunged from my DOC files/record(s), on the grounds that report # 47441 is sundry allegations of a violation of a disciplinary infraction alleged against me by Keven M. O'Hearn in retaliation for me filing legal action on him. Pursuant to Administrative Complaint/Grievance # 7297 which was filed on the 5th of December 2004, a day before i received the false D-Report # 47441 alleged by C/O Keven M. O'Hearn. A.C./Grievance # 7297 states in part " On 12-2-2004 (the day in question), at approx. 7:50am. while exiting the chow hal, I was stopped again by C/O Keven O'Hearn and at this time this same official did state to me "Conrad! pat search!." At this time this official was pat searching me, he did state to me in a very low voice "you piece of shit muslim, you filed a Law Suit on me, so now I'm going to write you up the first chance I get!!!" After the pat search had ended, this official stated to me "get relaxed, because you'll be locked in for a long time for that suger I'll say I found in your pocket!!!"

I demand that D-Report # 47441 be expunged from records and that an official investigation be conducted for the staff/official misconduct under your chief authority of this prison. Be advised, any inaction you take shall be taken not only as a final denial, and also a failure to act, thus, any action or recourse you take as "Arbitrary" as a result of this appeal, I will see to it personally that you and your successors § 1-201(42), and everyone who is directly or indirectly involved is prosecuted to the fullest extent of the law.

cc: File.

CONRAD V. MURPHY, W-47737  
MCI CEDAR JUNCTION  
P.O. BOX 100  
SOUTH WALPOLE, MA 02071

x Conrad V. Murphy

EXHIBIT  
# 4

**COMMONWEALTH OF MASSACHUSETTS****DEPARTMENT OF CORRECTION****INMATE GRIEVANCE FORM****FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)**

Name MURPHY CONRAD Grievance# 7297 Institution MCI CEDAR JUNCTION

Commit No. W47737 Housing BLOCK 6 Date Of Incident 20041202 Date Of Grievance 20041205

Complaint On 12-2-2004, at approx. 7:40am while exiting Block 6 (where I am housed) to go for breakfast chow, I reached the checkpoint at the entrance of the chow hall, I was stopped by C/O Kevin O'Hearn, who is employed at MCI CJ Disciplinary Hearing and Official, and this official stated to me "Conrad! pat search!" I did comply at this time without incident and continued on inside the chowhall. At approx. 7:50am while exiting the chowhall, I was again stopped by C/O Kevin O'Hearn, and at this time this same official did state to me "Conrad! pat search!". At this time this official was pat searching me, he did state to me in a very low voice "you piece of shit muslim, you filed a Law Suit on me, so now I'm going to write you up the first chance I get!!!" After the pat search had ended, this official stated to me "get relaxed, because you'll be locked in for a long time for that sugar I'll say I found in your pocket!!!"

Remedy Requested Due to the circumstances in this case, I strongly request that either Officer Kevin O'Hearn or I be permanently transferred out of this institution for safety and security concerns. In addition, I request for this complaint be documented and attached into officer O'Hearn's record and with orders to prevent officer O'Hearn or any other prison official from retaliating against me for filing this administrative complaint.

Staff Recipient Aucoin Ann Marie CO I

Staff Involved Ohearn Kevin M CO I

Signature \_\_\_\_\_

**RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR**

Date Received 20041208 Decision Date 20041215

Signature Aucoin Ann Marie CO I

Final Decision Referred to Internal Affairs

Decision Due to the nature of your allegations, this grievance has been forwarded to the Superintendent's Office for review and appropriate response.

Signature *[Signature]* Date 12/15/04

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

**INMATE RECEIPT**

Name MURPHY CONRAD Institution MCI CEDAR JUNCTION

Commit No. W47737 Grievance# 7297 Date Received 20041208

Signature Aucoin Ann Marie CO I

EXHIBIT  
#5

**COMMONWEALTH OF MASSACHUSETTS****DEPARTMENT OF CORRECTION****INMATE GRIEVANCE APPEAL FORM****FORWARD TO SUPERINTENDENT**

# 7297

Name MURPHY CONRAD Institution MCI CEDAR JUNCTION  
 Number W47737 Housing BLOCK 6 Appeal Date 28-DEC-2004 Date Of Grievance 05-DEC-2004  
 Appeal Received Date 29-DEC-2004

**Appeal** Pursuant to Administrative Complaint/Grievance # 7297, where Ann Marie Aucoin who is employed here at MCI-CJ as both the Inner Perimeter Security (I.P.S.) Official and the Institutional Greivance Coordinator. Ann Marie Aucoin processed A.C./Grievance without reviewing or independently investigating the allegations contained therein and served the same on me. A.C./Grievance # 7297 stated "C/O Keven O'Hearn stopped me at the entrance of the chow hall for a pat search and this was done without incident." However, "while exiting the chow I was stopped once again by C/O Keven O'Hearn for another pat search and at this time he stated to me in a low voice "you piece of shit muslim, y: u filed a law suit on me, so now I'm going to write you up the first chance I get!!!!" and "get relaxed, because you'll be locked in for a long time for that suger I'll say I found in your pocket!!!!" I.P.S. Official Ann Marie Aucoin has knowingly introduced false and misleading statements and information to support C/O Keven O'Hearn against me. The A.C./Grievance TYPE was checked "Retaliation" and there has not been an investigation into my complaint. I now move this appeal and request BOTH INVESTIGATIVE REPORTS of A.C./Grievance # 7207:

**Remedy Requested** 1) The investigative report from Ann Marie Aucoin as her 'TITLE' under Institutional Grievance Coordinator/Correction Officer I.  
 2) The investigative report from Ann Marie Aucoin as her 'TITLE' under Inner Perimeter Security Official.

Under 2 (two) different job titles shall be 2 (two) separate investigations, which poses a 'conflict of interest' and as a result is in direct violation of my State, Federal and Constitutional Rights. I hereby request both investigative reports on how she came to her "FINAL DECISION" of A.C./Grievance #7297.

**Staff Recipient** Aucoin Ann Marie CO I

**Signature** \_\_\_\_\_

**DECISION BY SUPERINTENDENT**

**Appeal Received Date** 29-DEC-2004 **Decision Date** \_\_\_\_\_ **Decision** \_\_\_\_\_

**Decision By** \_\_\_\_\_

**Reasons** \_\_\_\_\_

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**INMATE RECEIPT**

**Inmate's Name** MURPHY CONRAD **Institution** MCI CEDAR JUNCTION

**Number** W47737 **Appeal Received Date** 29-DEC-2004

**Staff Recipient** Aucoin Ann Marie CO I

**Superintendent's Signature** *David Norman*

EXHIBIT  
#6

TO: KATHLEEN M. DENNEHY

COMMISSIONER FOR THE DEPARTMENT OF CORRECTIONS

FROM: CONRAD V. MURPHY, W-47737

DATE: 1/10/2005

RE: INVESTIGATION INTO THE STAFF/OFFICIAL MISCONDUCT WITHIN MCI CEDAR  
JUNCTION. IN ACCORDANCE WITH G.L. c. 124 § 1 (i).

Pursuant to the attached enclosed Administrative Grievance # 7297, which was referred to INTERNAL AFFAIRS. As of this date, no one from INTERNAL AFFAIRS or the SUPERINTENDENT'S SPECIAL INVESTIGATOR has investigated my claims. On 1/5/05, at approx. 10:15am. I was called to the CAPT'S office by Shift Commander Capt. John W. Brodbeck, who was also with Sgt. Robert Bailer, prison official Brodbeck stated to me "He was assigned to look into grievance # 7297 and thats why I was called down to his office." I stated to this official "that if we was to talk at all about this case, I'm going to need a copy of the document which states that he was assigned to this case." This official Brodbeck then stated to me " you stated allegations against an officer here at Cedar Junction, so I'm going to let you go back to your cell and come back here at 1:30pm. with proof to support your claims that this official Keven O'Hearn filed a false D-Report on you, and if you don't have any evidence to support your claims, I will take immediate disciplinary action against you." On 1/6/05 at approx. 2:30pm. I was called again to the CAPT'S office once again by Capt. John W. Brodbeck and this official stated to me "do you have your proof?" I replied by stating " I see that you have there a copy

EXHIBIT  
# 7

TO: KATHLEEN M. DENNEHY

COMMISSIONER FOR THE DEPARTMENT OF CORRECTIONS

FROM: CONRAD V. MURPHY, W-47737

DATE: 1/10/2005

RE: INVESTIGATION INTO THE STAFF/OFFICIAL MISCONDUCT WITHIN MCI CEDAR  
JUNCTION. IN ACCORDANCE WITH G.L. c. 124 § 1 (i).

Pursuant to the attached enclosed Administrative Grievance # 7297, which was referred to INTERNAL AFFAIRS. As of this date, no one from INTERNAL AFFAIRS or the SUPERINTENDENT'S SPECIAL INVESTIGATOR has investigated my claims. On 1/5/05, at approx. 10:15am. I was called to the CAPT'S office by Shift Commander Capt. John W. Brodbeck, who was also with Sgt. Robert Bailer, prison official Brodbeck stated to me "He was assigned to look into grievance # 7297 and thats why I was called down to his office." I stated to this official "that if we was to talk at all about this case, I'm going to need a copy of the document which states that he was assigned to this case." This official Brodbeck then stated to me " you stated allegations against an officer here at Cedar Junction, so I'm going to let you go back to your cell and come back here at 1:30pm. with proof to support your claims that this official Keven O'Hearn filed a false D-Report on you, and if you don't have any evidence to support your claims, I will take immediate disciplinary action against you." On 1/6/05 at approx. 2:30pm. I was called again to the CAPT'S office once again by Capt. John W. Brodbeck and this official stated to me "do you have your proof?" I replied by stating " I see that you have there a copy

EXHIBIT  
# 7



of the grievance with a paper attached to it, and would that be the paper to which you refer that you was assigned to this investigation?" This official Brodbeck stated to me " yes " I stated " I would need a copy of that paper because I was not given no notice nor has anyone investigated my claims." This official Brodbeck stated to me " where is your proof?" I replied by stating " I need a copy of that paper before we talk about the grievance." This official then got very "BELLIGERENT" "COERCIVE" and "THREATENING", then stating to me "If I find that there is no evidence by supporting your claims, I will see to it personally that you are disciplined to the fullest extent of MCI CEDAR JUNCTION!!!" (Emphasis Added). This was stated by official Brodbeck in using a line from my Disciplinary Appeal filed 12/17/2004 to David Nolan, Superintendent, of D-Report # 47441, which was a false written report alleged against me by Keven O'Hearn in "retaliation" for me filing legal action on him. In accordance with G.L. c. 127 § 38E I am exhausting the administrative grievance system, thus, this official Brodbeck has violated my due process rights by obstructing the investigation of official Keven O'Hearn, in accordance with § 38E (3).

Official Brodbeck has knowingly introduced false and misleading statements to me by stating that "he was assigned to resolve grievance #7297" which I have not received any NOTICE of this official Brodbeck being assigned to anything. In accordance with G.L. c. 30A § 1 (Notice and Hearing) regulation.

I hereby demand that the COMMISSIONER'S OFFICE investigate the Official misconduct within MCI CEDAR JUNCTION and the Grievance of #7297.

EXHIBIT  
# 8

AFFIDAVIT OF CONRAD V. MURPHY

I, Conrad V. Murphy, swear and affirm under penalty of perjury under United States Laws that the facts and statements as they appear in this letter are true and correct of my own knowledge.

Signed under penalty of perjury under United states Laws on this 1, day of 10, 2005 (28 U.S.C. 1746 and 18 U.S.C. § 1621)

x

Conrad V. Murphy

Conrad V. Murphy

CONRADV. MURPHY

PRO SE LITIGANT

MCI CEDAR JUNCTION

P.O. BOX 100

SOUTH WALPOLE, MA 02071

DATE: 1 / 10 / 2005

cc: NORFOLK DISTRICT ATTORNEY

WILLIAM R. KEATING

45 SHAWMUT ROAD

P.O. BOX 380

CANTON, MA 02021

FILE.

EXHIBIT  
# 9

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece or on the front if space permits.</p>		<p>A. Signature  X <i>Sara Stedico</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><b>KATHLEEN M. DENNEHY</b>  <b>COMMISSIONER OF CORRECTIONS</b>  <b>50 MAPLE ST., SUIT 3</b>  <b>MILFORD, MA 01757-3698</b></p> <p><b>TITLE 39 § 3012 (LEGAL MAIL)</b>  <b>28 C.F.R. § 540.71 (b)</b></p>		<p>B. Received by (Printed Name) <i>SARA STEDICO</i> C. Date of Delivery <i>1-20-05</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number  (Transfer from service label) 7004 1160 0001 4840 8037</p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>			

EXHIBIT  
#10